

10 GEORGE CHRISTOPHER UBERTI,

11 Plaintiff,

No. 3:19-cv-04025-WHA

12 v.

13 VALERIE BROWN, et al.,

14 Defendants.

**ORDER DENYING MOTION FOR
NEW TRIAL**

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17 Plaintiff filed this lawsuit in July 2019, raising Sherman Act claims against officials of
18 the County of Sonoma following the County's decision in 2006 to consolidate the County
19 Offices of the Auditor-Controller with the Treasurer-Tax Collector into the Office of the
20 Auditor-Controller with the Treasurer-Tax Collector ("ACTTC"). Defendants are past and
21 current members of the Sonoma County Board of Supervisors, and prior employees and heads
22 of the ACTTC.

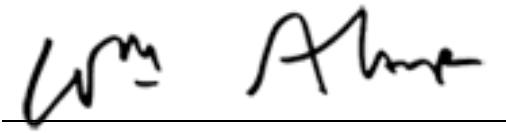
23 A prior order held that plaintiff lacked standing because he did not allege a particularized
24 injury, and his Sherman Act claims failed as a matter of law because consolidating the
25 government offices were normal governmental operations not cognizable under the Sherman
26 Act. The order dismissed the complaint with prejudice and final judgment was entered in favor
27 of defendants. Our court of appeals summarily affirmed (Dkt. No. 82).

1 In the instant motion, styled a motion for a new trial, plaintiff seeks relief from the final
2 judgment under FRCP 60 asserting that he “brings new evidence and particularizes his claims
3 concerning substantially the same matters complained of” previously (Dkt. No. 87). Plaintiff
4 asserts that he was denied welfare benefits because of defendants’ antitrust practices and
5 alleged unlawful accounting and audit practices. Assuming these new allegations sufficiently
6 state a particularized injury, they do not address the independently sufficient ground supporting
7 the judgment: ordinary governmental operations are not cognizable under the Sherman Act.
8 Moreover, plaintiff brings no facts supporting relief from the final judgment under FRCP 60.

9 The motion is **DENIED**. Plaintiff shall make no more filings that in effect seek to
10 relitigate issues already decided.

11 **IT IS SO ORDERED.**

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13 Dated: March 18, 2021

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17 WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE